Conference on Disarmament

English

Final record of the one thousand three hundred and sixty-sixth plenary meeting
Held at the Palais des Nations, Geneva, on Tuesday, 25 August 2015, at 10 a.m.

President: Ms. Katy Donnelly ..... (New Zealand)

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The President: I call to order the 1366th plenary meeting of the Conference on Disarmament. Please allow me at the outset to welcome this year's participants in the United Nations Programme of Fellowships on Disarmament, who are with us today.

As this is the first time that I am taking the floor under the New Zealand presidency of the Conference on Disarmament, please allow me to make a statement in this capacity on behalf of Ambassador Dell Higgie, who is currently in Mexico for the first Conference of States Parties to the Arms Trade Treaty. It is an honour for New Zealand to assume the final presidency of the Conference on Disarmament for 2015. At the outset, I would like to express my delegation's gratitude and appreciation for the tireless efforts of our predecessors, the Ambassadors and delegations of Mexico, Mongolia, Morocco, Myanmar and the Netherlands, to try and get the Conference back to work this year. We acknowledge that all of them in different ways have continued what the United Nations Secretary-General welcomed earlier this year as determined and creative efforts to continue deliberations on matters of substance.

We regret, however, that a breakthrough remains elusive. As the Secretary-General made clear in January, the Conference on Disarmament was not designed to deliberate. Your mandate is to negotiate. Ultimately, the effectiveness of the Conference will be judged on a single criterion: its ability to conclude disarmament treaties. It is inescapable, then, that however useful delegations may have found the informal discussions that have taken place this year, once again the Conference has failed to deliver what is required and expected of it.

Of course, it is not the case that the Conference on Disarmament is the only source of disappointment in 2015. New Zealand shares the deep regret of many that the 2015 Review Conference of the Nuclear Non-Proliferation Treaty (NPT) failed to deliver an outcome. We feel particularly keenly the absence of a progressive outcome on nuclear disarmament, one that would have responded to the overwhelming call for urgent action, including in the light of our increased knowledge concerning the risks and catastrophic humanitarian consequences of nuclear weapons.

Regardless of whether our respective preferences for pursuing nuclear disarmament involve steps, building blocks, bridges, all legal pathways, it is at least certain that the status quo meets no definition of sufficiency, no definition of progress. Fortunately, the news is not so bleak as regards all disarmament and arms control efforts. New Zealand appreciates that the stalemate plaguing the Conference and, this year, the NPT is not to be found in all disarmament forums. As we speak, and as I noted at the outset, the first Conference of States Parties to the Arms Trade Treaty is taking place in Cancún, Mexico.

As has been done throughout the preparatory process, States parties and supporters of the Treaty are working together to ensure that that conference delivers something worthy of such an important treaty: the strong framing for a global regime that will truly support peace, stability and human security. Equally, States parties to the conventions on cluster munitions and anti-personnel landmines have also continued their efforts to universalize and fully implement those treaties.

In two weeks' time, many among us will be in Dubrovnik for the first review conference under the Convention on Cluster Munitions, where States parties will measure progress against that Convention's important humanitarian objectives and take decisions to further strengthen the norm against these horrific and inhumane weapons. We should not overlook either the efforts of many States to ensure that long-standing treaties remain relevant and able to respond adequately to new developments — for example, consideration by States parties to the Convention on Certain Conventional Weapons of the challenges posed by the prospect of lethal autonomous weapons systems.

Pursuant to United Nations General Assembly resolution 67/53, a group of governmental experts undertook and published extensive work this year on possible aspects that could contribute to but not negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. There have of course been many efforts to enable the Conference on Disarmament to contribute to forward movement on disarmament. The schedule of activities and additional meetings organized by my delegation's predecessors, for example, have ensured plenty of opportunities to exchange views. Alongside other important meetings on the disarmament calendar, this has also meant that we now have a rather compressed period in which to undertake the final task facing the Conference this year: reaching agreement on our annual report. It is my intention to outline briefly the schedule for consideration of the draft annual report at the end of today's meeting.

In concluding these introductory remarks, I would like to emphasize the commitment of New Zealand to working with all delegations in an open and transparent manner throughout our presidency. We will do our best to work effectively and efficiently to reach agreement on a report that takes into account the views of all members of the Conference.

For today's plenary, the following delegations have requested to take the floor: the Russian Federation and Pakistan. I now give the floor to the representative of the Russian Federation.

Mr. Vasiliev (Russian Federation) (*spoke in Russian*): Although I am sitting behind the nameplate of the Russian Federation, I am actually wearing two "hats" today: firstly, that of the representative of the Russian Federation and, secondly, that of the Chair of the Group of Governmental Experts on Transparency and Confidence-building Measures in Outer Space Activities, which conducted its work in 2012 and 2013.

I am grateful for this opportunity to speak at the Conference on Disarmament and share my vision for how the cause of space security can be advanced at the international level, taking into account as well the work done by the Group of Governmental Experts.

I am giving my statement today in Russian, but, for those of you who are interested, I will leave a few copies of the English statement that I intend to deliver shortly at the conference of the United Nations Institute for Disarmament Research. That statement refers to many of the same issues.

As the Chair of the Group of Governmental Experts, I already had the opportunity, in 2012 and 2014, to inform the Conference on Disarmament of the outcomes of the Group's work, which came to an end almost exactly two years ago, in July 2013. Although the report was prepared by 15 governmental experts, representing Brazil, Chile, China, France, Italy, Kazakhstan, Nigeria, the Republic of Korea, Romania, South Africa, Sri Lanka, Ukraine, the United Kingdom, the United States and Russia, it reflects the contributions of many other States and also the positions of your predecessors here at the Conference. General Assembly resolution 68/50, which was adopted by consensus, showed wide support for its conclusions. That was the first General Assembly resolution on space security to be adopted by consensus.

On the topic of the contribution made by the Conference in the preparation of the Group's report, and as a way of preserving institutional memory, allow me to recall that it was at this forum, in 2002, that the Russian and Chinese delegations jointly presented a working paper on transparency and confidence-building measures in outer space activities, which initiated discussion of the issue.

In 2006, the Russian Federation, once again jointly with the People's Republic of China, presented a set of proposals on transparency and confidence-building measures in

outer space activities, contained in document CD/1778 of 18 May 2006, which included provisions for information exchange, notification and consultation mechanisms.

If you examine the documents that I have just mentioned and the first draft International Code of Conduct for Outer Space Activities, which was presented by the European Union in 2008, and compare them with the report of the Group, you will find a great deal that is similar, if not identical. It could not really be otherwise, since these documents were based on measures that had already been approved, above all the measures included in the five key conventions and agreements on outer space issues.

Thus, the Group's task was not to reinvent the wheel but to structure and synthesize existing transparency and confidence-building measures, identifying the areas where there were gaps in the field of space security or, as we defined them, "lacunas".

The Group's report differs from the Conference documents mentioned above and the draft International Code of Conduct principally in that it offers a comprehensive approach to the problem of space security. Of course, programmes have their own distinguishing features as far as military security and the peaceful exploration of space are concerned. There are specific problems associated with space debris, artificial and natural interference with outer space objects and other technical questions, which should be resolved in highly specialized forums or international organizations, including the International Telecommunication Union and the World Meteorological Organization.

However, for some common problems of space security, it is difficult or simply impossible to separate out the military, civil and technical aspects. It is clear that any object heading into orbit poses a potential danger to space-based facilities. It makes no difference whether it is a so-called civilian object and, accordingly, the launch is registered in line with the 1976 Convention on Registration of Objects Launched into Outer Space, or whether, for example, it is registered in line with the International Code of Conduct against Ballistic Missile Proliferation. Furthermore, not all States are parties to the relevant agreements or fully comply with the provisions of those instruments.

Exactly the same logic applies to space objects in orbit. The collision of military satellites and civilian space objects would have common negative consequences, in terms both of security and space debris.

The Comprehensive Nuclear-Test-Ban Treaty is a further disarmament example. As you know, the Treaty provides for a ban on nuclear tests in space. Unfortunately, it is yet to enter into force, but it is clear to all that a nuclear explosion in space would threaten both military and civilian objectives.

It was for this reason that, in its conclusions and recommendations, the Group spoke of the common problems of ensuring space security, recognizing the experience, but not infringing on the competence, of the various mechanisms involved in achieving that aim.

Here, at the Conference on Disarmament, you have been discussing the prevention of an arms race in outer space for more than a decade. The relevant agenda item endlessly wanders from one draft programme of work to the next. It is my firm conviction that, apart from its topicality, the question is now ripe for negotiation.

In February 2008, as you know, Russia and China jointly submitted a draft Treaty on Prevention of the Placement of Weapons in Outer Space and of the Threat or Use of Force against Outer Space Objects (CD/1839). I understand that you were presented with an updated version of the draft last year. After its submission here at the Conference, the substantive discussions held over the period 2008-2010 showed its relevance and the wide support it enjoyed. Transparency and confidence-building measures in space were considered separately during those discussions. One of the main practical outcomes was that, if an agreement could be reached on the prevention of the placement of weapons in

outer space, transparency and confidence-building measures could complement or even temporarily fulfil the role of a compliance and monitoring mechanism. I agree that confidence-building measures should not replace a legally binding verification mechanism. They are, by definition, a palliative, but they could have the added effect of preventing and reducing uncertainties, doubts and suspicions and improving international cooperation, as is the case with the Biological and Toxin Weapons Convention. In this connection, it is important that we do not overlook the role of transparency and confident-building measures during our subsequent discussions on the prevention of an arms race in outer space.

One of the main, if not the key, tasks and confidence-building measures in outer space, from a military perspective, is the obligation not to be the first to place weapons in outer space. You are aware of the initiative of the Russian Federation in that regard, and I look forward to States considering the possibility of participating in it.

The right forum must be chosen for any initiative, including those on space security, in order for the initiative to progress successfully. The outcomes of the recent meeting on the draft International Code of Conduct for Outer Space Activities held in New York make this clear. Experience shows that attempts to circumvent the established mechanisms in international relations and to introduce new rules of procedure have negative consequences. As a result, even the noblest and worthiest proposals lack the necessary support and, often, legitimacy.

The further advancement of the cause of space security was one of the key issues in the preparation of the recommendations contained in the Group's report. We reached the understanding that this aim would be served most effectively by coordination and synergy among the forums that are already in place. The Committee on the Peaceful Uses of Outer Space has a rich history and considerable expertise on outer space activities. The First Committee and the Conference on Disarmament have been working on the issues of space security from a military and political perspective for decades. It is for this reason that the Group recommended looking into the possibility of holding a joint meeting of the First and Fourth Committees of the General Assembly. I am pleased that the decision to hold such a meeting was endorsed by General Assembly resolution 69/38, which was adopted by consensus; the meeting is expected to be held during the forthcoming seventieth session of the General Assembly, around 22 October 2015. I hope that those of you who will be involved in the work of your delegations at the First Committee will take an active part in the event and exchange views on how to approach the issues of space security and the role of the so-called triad of the multilateral disarmament machinery.

In conclusion, I would like to wish you success in overcoming the protracted impasse, adopting a programme of work and working substantively to prevent an arms race in outer space, here, in Geneva.

(*spoke in English*)

As a fellow myself from 1992, let me also welcome the fellows of the Disarmament Fellowship Programme. That was last century. I was in your place, and I believe that gradually you will progress closer to the podium and will take the positions of the respective delegations behind the nameplates. I therefore wish you all the very best and success in your achievements: may they be more fruitful than what we have achieved today. I thank you all and wish you all the very best.

The President: I thank the representative of the Russian Federation for his statement. I now give the floor to the representative of Pakistan, Ambassador Akram.

Mr. Akram (Pakistan): I congratulate New Zealand on assuming the presidency of the Conference on Disarmament and assure you of my delegation's full support, in particular for the smooth finalization of the Conference's annual report for 2015. We thank

you for the early circulation of the first draft of the report. We are currently studying the text and will come back with our views and comments on the report in due course. In the meantime, we would like to say that we highly commend the draft circulated by you, which is an excellent basis for the commencement of our work on the report.

I have requested the floor to make an announcement concerning the submission of a working paper by Pakistan on "Elements of a fissile material treaty". The working paper was sent to the Conference secretariat last Friday, 21 August, for publication as an official Conference document. A copy of this working paper is being circulated by the conference services staff now for the advance information of all members. We note that this working paper has already been assigned the symbol CD/2036 and has been reflected in section III of the draft annual report of the Conference under agenda items 1and 2.

You will recall that Pakistan had first submitted this working paper on 9 July 2015 during the informal discussions on a ban on the production of fissile material for nuclear weapons and other nuclear explosive devices held under the coordinatorship of Ambassador Biontino of Germany.

The working paper that was submitted to the Conference secretariat last Friday contains a few minor changes. The most significant change pertains to what we have described under category 1.2 as non-weaponized fissile material. In the light of the comments and observations from other Conference members that participated in the discussions held in the Conference on 9 July and 6 August, we have removed the first option and only put forward the second option of mutual and balanced reductions of such fissile material stocks on a regional or global basis.

The working paper is an attempt by Pakistan to enrich the debate in the Conference on the issue of banning fissile material production, in particular on the issue of covering existing stocks in the treaty's scope. We stand ready to engage further on this working paper and to provide any clarifications if required.

The President: I thank the Ambassador of Pakistan for his statement and for the kind words addressed to the Chair. Would any other delegation like to take the floor? That does not seem to be the case.

As indicated at the opening of this meeting, I would now like to take the opportunity to outline the approach of New Zealand to its presidency of the Conference.

At my request yesterday, the secretariat circulated the tentative schedule for the New Zealand presidency to all delegations by e-mail. Yesterday, the secretariat also circulated informally via e-mail the first draft report of the Conference. The report is currently available in English only. The secretariat has taken the necessary steps to have it circulated in all the official languages as soon as possible.

This first draft report reflects our best efforts to present the work of the Conference this year and to balance the different views that exist within this chamber on it. The draft was created with the assistance of the secretariat and in the light of the extensive bilateral consultations we have undertaken to date. You will appreciate that there are some gaps in the text, given that we have not yet completed the current schedule of activities.

The list of documents in the report also remains subject to change, as there is still time for new documents to be submitted. I would be grateful if delegations could send any written comments they might like to make on the report to the secretariat by 5 p.m. on Monday, 31 August. Comments received will then be circulated to all delegations as soon as possible after the deadline.

Several delegations have requested that the first meeting to discuss the draft report take place on Wednesday, 2 September. If there is no objection, I would therefore propose

to postpone the formal plenary meeting initially scheduled under the schedule of activities for Tuesday, 1 September, until Wednesday, 2 September, to be followed immediately by an informal meeting to discuss the draft report.

I see no objections in the room.

It was so decided.

The President: It is our intention, if at all possible, to adhere to the schedule we have circulated to you, and we would be most grateful for your support in doing so.

Finally, I would like to reiterate that team New Zealand remains available to any delegation that may wish to share its views on the process we have outlined or on the substance of the documents we will prepare. As a separate matter, I should note that it is our intention to hold the first informal meeting on the draft Conference resolution for the United Nations General Assembly on Wednesday, 23 September, with the first draft of that resolution to be circulated following the adoption of the Conference report, hopefully by Thursday, 17 September.

Before I adjourn the meeting, would any other delegation like to take the floor? That does not seem to be the case. I suggest that we adjourn the meeting for today. As agreed, the next formal plenary meeting will be held on Wednesday, 2 September, at 10 a.m. Also, in accordance with the schedule of activities published as document CD/2021, this coming Thursday, 27 August, we will continue to meet in this room from 10 a.m. until 1 p.m. and from 3 p.m. to 6 p.m. for informal meetings on agenda item 4. These meetings will continue on Friday, 28 August, in line with the amended schedule agreed last week. This concludes our meeting for today.

The meeting is adjourned.

The meeting rose at 10.35 a.m.

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